

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

DEVANTAE A. MOORE, #211724

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:18-cv-189-KS-MTP

ROBERT MORRIS, Investigator for
Jasper County Sheriff's Department

DEFENDANT

ORDER

This matter is before the Court on Plaintiff's Response [28] filed on July 30, 2020. As directed by the Court's Order [27] entered on July 7, 2020, Plaintiff filed a signed Response [28], which he initially filed unsigned on October 3, 2019, *see* Mot. [21]. Having reviewed the signed Response [28], as well as the record in this case, the Court finds that Plaintiff is requesting that the Court reconsider the dismissal of this civil action. Pl.'s Resp. [28] at 1.

The Court will liberally construe Plaintiff's Response [28] as a Motion pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. *See Solsona v. Warden, F.C.I.*, 821 F.2d 1129, 1132 n. 1 (5th Cir. 1987) (finding that federal courts may construe and re-characterize a *pro se* prisoner action "according to the essence of the prisoner's claims, regardless of the label that the prisoner places on his complaint"); *see also Hernandez v. Thaler*, 630 F.3d 420, 427 n.27 (5th Cir. 2011) (noting that Court must consider the "substance of the relief, not a label" to determine the "true nature" of the pleading).

As evidenced by the Court's Memorandum Opinion and Order [14] entered on July 15, 2019, and the Order [17] entered on August 12, 2019, the Court considered the Plaintiff's allegations and applied the relevant case law in resolving this matter. The Court's decision in the Memorandum Opinion [14] and Final Judgment [15] entered on July 15, 2019, and the Order [17]

entered on August 12, 2019, were the correct legal findings. The Court therefore determines that Plaintiff's Motion [28] does not meet any of the grounds required by Federal Rule of Civil Procedure 60(b) to grant relief from the Final Judgment [15], Memorandum Opinion and Order [14] dismissing this case, or the Order [17] entered on August 12, 2019. Accordingly, it is,

ORDERED AND ADJUDGED that Plaintiff's Response [28] is construed as a Motion for Relief from a Judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's Motion/Response [28] is **denied**.

This the 5th day of August, 2020.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE